

APPROVED

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Tuesday, March 8, 2005 Rockville, Md.

The County Council for Montgomery County, Maryland convened in the Council Hearing Room, Stella B. Werner Council Office Building, Rockville, Maryland, at 9:28 A.M. on Tuesday, March 8, 2005.

PRESENT

Councilmember Thomas Perez, President	Councilmember George Leventhal, Vice President
Councilmember Phil Andrews	Councilmember Michael Knapp
Councilmember Howard Denis	Councilmember Nancy Floreen
Councilmember Marilyn J. Praisner	Councilmember Steven A. Silverman
Councilmember Michael Subin	

The President in the Chair.

Chaplain Edco Bailey, Shady Grove Adventist Hospital, Rockville, Maryland, gave the invocation.

SUBJECT: Proclamation in Recognition of Heroic Acts of Pablo Steneri, Winston Churchill High School Student

The proclamation was presented by Mr. Denis and Mr. Perez to Mr. Steneri.

SUBJECT: Proclamation to the Montgomery County Alumnae Chapter of Delta Sigma Theta Sorority, Inc. in Recognition of Delta Youth Day in Montgomery County

The proclamation was presented by Mr. Perez to members of the Montgomery County Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

SUBJECT: General Business

Agenda and Calendar Changes: Noted an addendum to the agenda, adding action on the confirmation of the County Executive's appointment of

William Alan Hinde as Chief, Volunteer Services, Montgomery County Fire and Rescue Service; deferring action on Executive Regulation 20-04AM, Microchipping Animals; and extending the time for Council action on Executive Regulation 20-04 until May 11, 2005.

Approval of Minutes

Approved the minutes of February 14 and 15, 2005, as amended.

Mr. Leventhal made the motion. Mr. Subin was temporarily absent.

Receipt of Petitions

No petitions were received in the Legislative Information Services Office this week.

SUBJECT: **Calendar and Agenda Changes**
Reference: Agenda Items 3A-J

Introduced a special appropriation to the FY05 Capital Budget and amendment to the FY-10 Capital Improvements Program of the Montgomery County Public Schools (MCPS) for lead abatement in various schools, in the amount of \$1,600,000. Ms. Praisner requested additional information for the public hearing on the process MCPS will be using to address the elevated levels of lead in the drinking water in selected school facilities, the rationale for requesting \$1.6 million, and when an additional supplemental appropriation, if any, will be requested. She requested Council staff to provide a status report on the FY 05 Capital Budget.

Introduced a resolution to authorize the issuance of Parking Lot District revenue bonds for the Bethesda Parking Lot District;

Resolution 15-910, confirming the County Executive's appointments of the following persons to serve as members of the Advisory Board on Victims and their Families: Nancy C. Barash, Jenifer Cromwell, Craig L. Rice, Pickett Randolph, Samuel H. Walinsky, and Valerie Yavornitzky;

Resolution 15-911, confirming the County Executive's appointment of Allan S. Cohen to serve as a member of the Animal Matters Hearing Board;

Resolution 15-912, confirming the County Executive's appointment of Courtney Deines-Jones to serve as a member of the Silver Spring Transportation System Management Advisory Committee;

Resolution 15-913, confirming the County Executive's appointment of Joy Austin-Lane to serve as a member of the Solid Waste Advisory Committee;

Resolution 15-914, confirming the County Executive's appointment of the following persons to serve as members of the Taxicab Services Advisory Committee: Reza Raoofi, Girma Mengistu, and Sarah C. Gotbaum;

Resolution 15-915, confirming the County Executive's appointment of the following persons to serve as members of the Upcounty Recreation Advisory Board: Sarah P. Lanning, Herbert Lerner, M.D., Edward O'Brian, and Ronald Villasante;

Resolution 15-916, confirming the County Executive's appointment of Kathleen Fulcomer to serve as a member of the Water Quality Advisory Group;

Introduced a resolution to the FY05 Operating Budget of MCPS for the Transition from Laboratory to Classroom Project, in the amount of \$137,250;

Introduced a resolution to the FY05 Operating Budget of the MCPS for Refugee Children School Impact, in the amount of \$149,762.

Ms. Praisner made the motion. Mr. Subin was temporarily absent.

SUBJECT: **Appointment of Montgomery County Fire and Rescue Service Volunteer Services Chief**
Reference: Agenda Item 3.5

The Consent Calendar was adopted:

Resolution 15-917, was adopted confirming the County Executive's appointment of William Alan Hinde to serve as Volunteer Services Chief of the Montgomery County Fire and Rescue Service.

Mr. Knapp made the motion. Mr. Subin was temporarily absent.

SUBJECT: **Legislative Session**

See the legislative journal of this date for the minutes of the legislative session.

SUBJECT: **Executive Regulation 20-04AM, Microchipping of Animals**
Reference: Agenda Item 6

Resolution 15-918, was adopted extending the time for Council action on Executive Regulation 20-04 until May 11, 2005.

Mr. Andrews made the motion. Mr. Leventhal was temporarily absent.

SUBJECT: Condominium Transfer Tax Resolution

Reference: Agenda Item 7

The Council reviewed the report of the Planning, Housing, and Economic Development (PHED) Committee on the Condominium Transfer Tax resolution.

Agreed to delay the applicability of the resolution and to amend the first sentence of the PHED Committee's recommended language in the Action portion of the resolution by deleting the words: [Fiscal Year 05 and].

Resolution 15-919 was adopted, as amended, requiring the Condominium Transfer tax not supplant the General Fund appropriation to the Housing Initiative Fund.

The PHED Committee made the motion. Mr. Subin and Mr. Denis were temporarily absent.

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS A DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY**

SUBJECT: Extend Time for Council Action on the Shady Grove Sector Plan

Reference: Agenda Item 8

Resolution 15-920 was adopted extending the time for Council action on the Shady Grove Sector Plan until May 16, 2005.

SUBJECT: Development Plan Amendment (DPA) 04-2

Reference: Agenda Item 9

Remanded the DPA back to the Planning Board, and requested that the DPA be amended to ensure that adequate language is included in the Declaration of Covenants to restrict parking in inappropriate places:

YEAS: Praisner, Andrews, Perez, Leventhal

NAYS: Knapp, Silverman, Floreen

ABSENT: Subin, Denis (temporarily).

Ms. Praisner made the motion.

SUBJECT: **Zoning Text Amendment 04-26, Mixed Use Town Center Zone**

Reference: Agenda item 10

Mr. Silverman presented the recommendations of the Planning, Housing, and Economic Development (PHED) Committee.

Ms. Praisner did not support the Committee's recommendation to allow up to 20 units per acre in the Olney Master Plan, but was not opposed to the zone allowing this level of density.

With respect to limiting the size of retail, Ms. Praisner made a motion to limit the size to 35,000 square feet. The motion did not receive a second.

The Council supported Council staff's recommendation to delete the sentence beginning on line 165 of the Text Amendment as follows: [Development on lots of up to 40,000 square feet may provide a portion or all of the required public use space as green area.]

SUBJECT: **Olney Master Plan**

Reference: Agenda item 11

Mr. Silverman reviewed the recommendations of the PHED Committee.

With respect to the Master Plan's recommendation to create a new Civic Center, Ms. Praisner noted that while a civic presence in the Town Center is desirable, it may not necessarily be all services in one civic center. The Council agreed to amend the language included on ©34 of the Master Plan as follows: As soon as the location has been identified, it should be assessed whether it is necessary to create a Capital Improvements Program project to begin planning the Civic Center.

The Council recessed at 12:35 P.M. and reconvened at 1:41 P.M.

SUBJECT: **Public Hearing on Expedited Bill 1-05, Rental Housing – Personal Living Quarters - Sunset**

Reference: Agenda Item 12

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business March 9, 2005.

SUBJECT: **Public Hearing on the Resolution to Approve Fire, Rescue, Emergency Medical Services, and the Community Risk Reduction Master Plan**

Reference: Agenda Item 13

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business March 11, 2005.

SUBJECT: **Public Hearing on a Special Appropriation to the Montgomery County Public Schools' (MCPS') FY 05 Capital Budget, for Relocatable Classrooms, in the Amount of \$5,000,000**

Reference: Agenda Item 14

The public hearing was conducted and the record was closed.

SUBJECT: **Presentation to Michael Subin for his Response with the Montgomery County Fire and Rescue Service to the Pentagon on September 11, 2001**

The plaque was presented by Chief Carr to Mr. Subin.

SUBJECT: **Public Hearing on Zoning Text Amendment (ZTA) 05-01, Non-residential Professional Office – R-90 Zone**

Reference: Agenda Item 15

The public hearing was conducted as reflected in the transcript. Additional material for the Council's consideration should be submitted by the close of business March 15, 2005.

SUBJECT: **Public Hearing on Remedial Map Amendment G-835 to Reclassify Property from the Country Inn Zone to the RDT Zone**

Reference: Agenda Item 16

The public hearing was conducted. Additional material for the Council's consideration should be submitted by the close of business May 6, 2005.

SUBJECT: **Public Hearing on a Supplemental Appropriation to the MCPS' FY05 Operating Budget, for the Maryland School Improvement Program, in the Amount of \$300,790**

Reference: Agenda Item 17

The public hearing was conducted and the record was closed.

Resolution 15-921, was adopted approving the subject supplemental appropriation.

Ms. Praisner made the motion.

SUBJECT: **Public Hearing on a Supplemental Appropriation to the Montgomery College FY05 Operating Budget, for Adult Basic Education, in the Amount of \$1.2 Million**

Reference: Agenda Item 18

The public hearing was conducted and the record was closed.

Resolution 15-922, was adopted approving the subject supplemental appropriation.

Ms. Praisner made the motion.

SUBJECT: **Olney Master Plan (continued)**

Mr. Perez commended Olney resident Helene Rosenheim for receiving the Greater Olney Civic Association's (GOCA) highest award.

Noted Ms. Praisner's request that the Master Plan be sent back to the PHED Committee for a comprehensive review of density issues, and her view that the development of the Town Center should have been considered first in the master plan review process. Ms. Praisner reiterated her position that while she supports some increase in density in the southeast quadrant, she does not support the level recommended by the Committee.

Mr. Perez requested that in the future, ZTAs be submitted timely so that they can be considered along with the associated master plan. Planning Board Chair Berlage and staff responded to Council questions concerning how recommendations were developed for the Master Plan.

Mr. Silverman requested a copy of GOCA's proposal for the Golden Bear property.

The Council agreed to continue discussion of the Olney Master Plan next Tuesday.

The Council recessed at 3:30 P.M. and reconvened at 7:34 P.M.

SUBJECT: **Public Hearing on Bill 2-05, Boards, Committees, and Commissions – General Provisions; Bill 3-05, Boards, Committees, and Commissions – Specific Provisions; ZTA 05-03, Sign Review Board – Membership and Authority; and Historic Preservation Amendment 0-5-1, Enforcement**

Reference: Agenda Item 20

The public hearing was conducted as reflected in the transcript. Additional material for the Council's consideration should be submitted by the close of business March 9, 2005.

The meeting adjourned at 9:12 P.M.

This is an accurate account of the meeting:

Linda M. Lauer, Clerk of the Council